

1901-031 Chancery Causes: John S. Larmer vs. Mary S. Larmer, widow to  
Lee Co. Mary S. Larmer, asgn. to vs. Sada Larmer to

Barbree, Skaggs, Wilson, McClure, Loyd

CA-Estate Dispute

T-Property

To the Hon. W. T. Miller Judge  
of the Circuit Court of Lee County.

Your orator John S. Larmer  
complaining sheweth unto the Court that  
Your complainants father T. J. Larmer  
was in his lifetime <sup>was</sup> seized and possessed  
of certain real estate lying in the County  
of Lee and in the Hickory Flats country, said  
real estate being all of that tract of land  
conveyed by deed to the said T. J. Larmer  
by his father John Larmer and his  
mother Elizabeth Larmer on the 20 day  
of Jan. 1871, which deed was duly admitted  
to record in the clerks office of Lee County  
in deed book No. 16, page 188, a copy of which  
deed is filed herewith marked exhibit "A" and  
prayed to be read as a part of this bill,  
except about 10 acres which was sold by  
your orators father the said T. J. Larmer  
to John Jesse, whose heirs conveyed the same  
after his death to Mary S. Larmer your  
orators mother and the widow of the said  
T. J. Larmer, by deed bearing date of the  
day of 187

and being so seized and possessed, the  
said T. J. Larmer on or about the day  
of 18 died intestate, leaving  
your orator, and Ida Larmer, Sader Larmer,  
Kitty Larmer, Ernest Larmer and Emma Larmer,



his only children and heirs at law. The said Ida Larmer since arriving at her majority, has sold and conveyed her right and interest to her mother Mary S. Larmer.

The said Sada Larmer, Kitty Larmer, Ernest Larmer, and Emma Larmer, are infants under the age of twenty-one years, the said Sada & Kitty are however over fourteen years. And your orator further states that the said real estate is as he believes, susceptible of partition among the parties entitled thereto, but if it cannot be so divided then your orator desires that the same may be sold and the proceeds divided among the adults and infants parties according to their respective rights, the shares of the infants to be held as directed by the statute in such case made and provided. Should the property not be divisible in kind, complainant believes, and here states, that the interests of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the whole of the same. Forasmuch, therefore, as your orator is remediless in the premises save by the aid of a court of equity, he prays that the said Mary S. Larmer, Sada Larmer, Kitty Larmer, Ernest Larmer, and Emma



1  
Larmer may be made parties defendants  
to this bill and required but not ~~under~~ <sup>on their</sup>  
oaths, to answer the same, the oath being hereby  
waived, the said adult in her own proper name  
and person, and the infants by guardian  
ad litem; That a proper guardian ad litem be  
appointed to this cause for said infants  
who shall also answer this bill; that proper  
process issue; that the said real estate be  
divided between the parties entitled thereto,  
or else that it be sold and the proceeds  
divided, in case it be indivisible in kind  
that all proper orders and decrees may be  
made, accounts taken and enquiries be directed;  
and that all such other, further and general  
relief as in the premises may be just and  
right may be granted, and your complainant  
will ever pray, etc.

J. C. Noel p. g.



Plffs Costs  
 Clerk 6.86  
 Tax 1.50  
 J. L. Noel 3.00  
 Atty 15.00  
 J. P. 2.25  
 Exits 2.00  
 S. A. L. 10.00  
 Howard Condl .60  
 \$41.21

Jno. S. Larmer  
 vs Bill in Chancery

Mary S. Larmer et al  
 1899 2<sup>nd</sup> September rules  
 bill filed & pa & executed  
 and decree nisi  
 " 1<sup>st</sup> October rules decree  
 nisi confirmed and  
 cause set for hearing

1901 June Term Decree  
 final Order Book  
 No 6 p 553



To the Hon. H. A. W. Sken, Judge of the  
Circuit Court of Lee County:

Your oratrix Mary S. Harmer, widow of Thos. J. Harmer  
deceased, assignee of Sada Harbre nee Harmer, and guardian  
of Sada Harmer, Kittie Harmer, Ernest Harmer and Emma Harmer  
infant-children and heirs at law of Thos. J. Harmer deceased, complaining  
sheweth unto the court that John S. Harmer on the day of  
1899, filed his bill of complaint in this court  
against your oratrix and Sada, Kittie, Ernest and Emma  
Harmer the infant-children and four of the six heirs of  
Thos. J. Harmer deceased, wherein he set forth the interest  
of himself, and of your oratrix and of the said infants  
in a certain tract or parcel of land, fully described in  
his said bill and exhibits filed therewith, of which land  
the said Thos. J. Harmer died seized, and wherein he further  
sets forth that the said lands is susceptible of partition  
among the parties entitled thereto, and that if said lands  
cannot be so divided, that the interests of those who are  
entitled to said real estate or its proceeds, will be promoted  
by a sale of the whole of the same; and thereupon he prayed  
that your oratrix and the said infants be made parties to said  
bill and that they be required to answer the same, that the  
said real estate be divided between the parties entitled  
thereto, or else that it be sold and the proceeds divided  
in case, it be indivisible in kind, etc.

So truthfully has the said bill set forth the facts in said  
premises that your oratrix deemed answer unnecessary, and  
therefore has not answered the same, but if answer be demanded  
she prays that this cross-bill be treated as answer; and while  
all that is contained in said bill is true, your oratrix further  
sheweth unto your honor that since the filing of the said  
bill of complaint, the said complainant, your oratrix and



1 the said infants have all changed their residence and  
2 citizenship from the County of Lee and State of Va, to Hunt-  
3 County Texas, where they intend to reside in the future;  
4 that since becoming citizens of the State of Texas, your  
5 oratrix has qualified as guardian of the said infants and  
6 executed bond in a penalty sufficient to secure to said  
7 infants any sum of money that may come into her hands  
8 by reason of the sale of said lands and the transfer of the  
9 proceeds thereof to her as said guardian, as will be seen by  
10 reference to the exhibit filed herewith marked "A", and  
11 which is prayed to be read as a part of this bill; that  
12 the said infants are entitled to four sixths of the fee simple  
13 in the lands described in said bill, subject however to the  
14 dower of your oratrix, and that the said John S. Warner is  
15 entitled to one sixth thereof subject to said dower, and your  
16 oratrix is entitled to the residue, and to dower which has  
17 already been assigned; that the said infants own  
18 no other real estate nor interest in any other real estate,  
19 and that they own no personal property at all; that  
20 Sada, Kittie, and Ernest, the three older of the said infants  
21 are over the age of fourteen years, your oratrix the mother  
22 of said infants, would be sole heir, if said infants were dead.  
23 Your oratrix states that the interests of the said infants  
24 would be promoted by a sale of said lands, both from the  
25 forementioned, and for the following reasons, to wit:

26 The said infants are now residents of a foreign state,  
27 hundreds of miles away from their lands; that in all proba-  
28 bility they will never return to Lee County to reside;

29 The amount of land to which any one of said infants would  
30 be entitled, would not be sufficient to furnish a home that  
31 would be enticing, nor alone attract a purchaser; the said  
32 infants have no other estate than their interests in



1 said lands, and as fast as they arrive at their majority, they  
2 will be forced to sell said lands, and therefore would  
3 have to sell at a great sacrifice, if able to find a  
4 purchaser at all; that each interest in said land  
5 would not be worth more than five or six hundred dollars at  
6 best; and should the lands be partitioned, the shares at  
7 the time the younger infants arrive at majority would perhaps  
8 be run down till price for same would not justify a return  
9 to Virginia to look after the sale of same; that the  
10 lands are so situated as to make the whole a desirable  
11 and attractive farm, and would bring a good price as such,  
12 but that the individual shares would not attract purchasers,  
13 and the said infants as they become of age will need  
14 the proceeds of said land and the elder ones could not wait  
15 till the younger become of age that all may sell together.

16 Your oratrix further states that the rights of no person  
17 will be violated by a sale of the said real estate.

18 Wherefore your oratrix prays that the infants, Sada Garner,  
19 Kittie Garner, Ernest Garner, and Emma Garner, and  
20 the complainant John S. Garner be made defendants to this  
21 bill, that H. O. Ballou be appointed guardian ad litem for said  
22 infants, that the said parties and the said guardian ad litem  
23 be required to answer this bill but not upon oaths, the oaths  
24 being hereby waived; that proper process issue; that the said  
25 tract of land with dower excepted, be sold and the proceeds of  
26 the said sale or so much thereof as may belong to said infants  
27 be transferred to your oratrix as guardian of said infants,  
28 to be invested for the benefit of said infants as the court  
29 may direct; that all proper orders and decrees may be made,  
30 and that all such other further and general relief as in the  
31 premises may be just and right may be granted. And your oratrix  
32 will ever pray etc.



\* Mary S. Larmer, widow of Thos. J. Larmer deceased  
assigner of Jda Barber, ne Larmer, and guardians of Sada, Willie,  
Ernest and Emma Larmer. J. B. Hall p. 9.

State of Texas, Hunt County Court:

J. M. Newton J. P. R., Off. - notary public for  
the county and state aforesaid, hereby certify that  
Mary S. Larmer, personally appeared before me  
in my county aforesaid, and made oath that  
the allegations contained in the foregoing bill, which  
she makes of her own knowledge are true, and that all  
other matters therein stated she believes to be true. Given under  
my hand this 16<sup>th</sup> day of December 1899

J. M. Newton H. P.  
J. P. R., Off. Notary Public

Mary S. Larmer  
vs. Larmer, Dec.

J. S. Larmer et al  
Filed December 28<sup>th</sup> 1899  
A. B. Mursey Clerk



The joint and separate answers of Sada Larmer  
Kittie Larmer, and Ernest Larmer, infants over the  
age of fourteen years, to a cross bill filed against  
them, and Emma Larmer infant, under the age of  
fourteen years, and John S. Larmer, to the bill  
of complaint filed, by the said John S. Larmer  
complainant, against the said Mary S. Larmer  
Emma Larmer, and your respondents, in the circuit  
court of the County of Lee.

These respondents for answer thereto, answers  
and say that they have been shown, and  
heard read the said cross bill filed by the  
said Mary S. Larmer, in the cause of J. S.  
Larmer against the said Mary S. Larmer and  
others, and so far as they are able to understand  
by reason of their infancy, they believe that  
the said bill is true in every particular.

And having fully answered the complainant's  
bill prays to be hence dismissed with their  
reasonable costs, by them expended in this  
behalf, and they will ever pray etc.

+ Sada Larmer

+ Kittie Larmer.

+ Ernest Larmer

} Infants over the age of  
fourteen years.

State of Texas, County of Hunt-County.

This day personally appeared before me *W. A. Neely*

*Ex. Off.* Notary Public for the county and state aforesaid and

Sada Larmer, Kittie Larmer, and Ernest Larmer,

whose answer is above written and made oath that the

statements contained in the said answer, so far as

made of their own knowledge, are true, and so far as

made from knowledge, or information derived



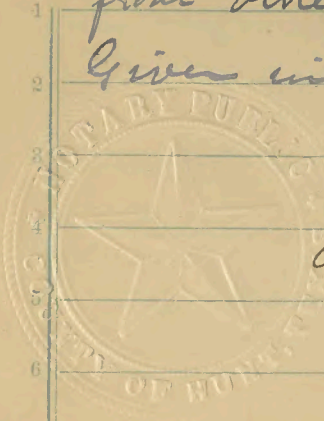
from others, they are believed to be true.

Given under my hand this 16 day of December 1899

J. M. Keister

H. P.

JP Pres. Off. Notary Public



Sada Garner et al  
ad of Answer to loan bill.

Mary S. Garner

Filed Dec. 28<sup>th</sup> 1899

A. B. Murreey Clerk



The joint and seperate answer of Sada Larmer, Kittie Larmer, Emma Larmer,  
and Earnest Larmer, infants under the age of twenty one years, ~~#####~~  
by H.O. Ballou, their guardian ad litem-assigned to defend them in this  
Suit to a bill of complaint exhibited against them and Mary S. Larmer,  
widow of T.J. Larmer, (deceased) and assignee of Ida Barbree, nee Larmer,  
in the Circuit Court for the County of Lee, by J.S. Larmer, and to a cross  
bill filed in the said Court by the said Mary S. Larmer, to the said bill  
of complaint against them and the said John S. Larmer,.

The respondents reserving unto theselves the benefits of all just excep-  
-tions to said of complaint and to said cross bill, for answer thereto,  
or to so much thereof as they are advised that is material they should  
answer, by their guardian -ad--litem answer and say;

That they are infants of tender years, and by reason of their infancy, are  
incapable of understanding or of taking care of their rights and inte-  
rest. They, therefore, by their said guardian commend themselves and their  
rights and interests to the protection of the Courts, and pray that no  
decree may be pronounced which will tend to their prejudice.

And having fully answered the said respondents pray to be thence dism-  
issed with their reasonable costs in this behalf expended, and they will  
ever pray, etc.

H. O. Ballou,  
Guardian----- Ad-litem.-----

For Sada, Kittie, Earnest, and Emma Larmer, )

~~#####~~

*Sworn to before me by H. O. Ballou Jan'y 1st 1900*  
*A. B. Murreey Clerk*



Sada Larnen, et al  
ads. { Answer of infants  
by Guardian ad litem  
Jr. S. Larnen }

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1900 1st January rules And of  
G. A. L. Filed  
A. B. Munsey Clerk



1 J. S. Larmer  
2 vs  
3 Mary S. Larmer et al } in Chancery.  
4

5 This cause came on again this 3<sup>rd</sup> day of June  
6 1901, to be finally heard upon the papers formally  
7 read in this cause, and upon the report of J. C. Noel  
8 Special Commissioner, filed this day, and was argued  
9 by Counsel, and said report being unexcepted  
10 to, it is therefore adjudged ordered and decreed  
11 that said report be accepted and adopted. ~~It further~~  
12 and the deed made and executed to Henry Nicoll  
13 is confirmed. ~~It further~~ appearing that the  
14 money received by him from the said Henry Nicoll  
15 has been disbursed by said Noel, according to  
16 the order entered in this cause on the 6 day of  
17 March 1901, it is therefore adjudged, ordered and  
18 decreed that ~~said~~ said Commissioner be and is  
19 hereby discharged from further duty as such  
20 and this cause is stricken from the docket.  
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J. S. Larmer  
vs Deere Final  
Mary S. Larmer et al  
Entered on Chy  
C.B. No 6 P. 553

Entered June 4<sup>th</sup> 1901  
At a W. Sheen  
Judge



John S. Garner

vs

} In Chancery

Mary S. Garnard et al

This Cause came on this the 12 day of March 1901, to be again heard upon the papers formerly read in in this Cause and upon the report of Special Commissioner J. B. Noel, and the deed made by said Commissioner J. B. Noel to Henry Nicoll, and was argued by Counsel. In consideration of all which, the said report and deed being unexcepted to, it is therefore adjudged ordered and decreed that the said report and deed be and the same is hereby confirmed.

It is further adjudged ordered and decreed that the said Henry Nicoll shall pay the said J. B. Noel Commissioner as aforesaid the sum of five dollars for making said deed and this Cause is continued.



John S. Larsson  
20 } Deed  
confirming  
Deed

Mary S. Larsson et al

Entered on CCB  
No. P. 537.

Entered Mar 12,  
1901, 14 a w Shun  
J. C. Lye



1 John S. Larmer  
2 vs  
3 Mary S. Larmer et al } In Chancery.

4 This cause came on this day of March 1901,  
5 upon the papers formerly read in this cause, and  
6 the report of the Commissioner<sup>J. B. Noel</sup> of the sale of the lands  
7 described in said cause, and was argued by counsel,  
8 and it appearing that the said report has been filed  
9 for more than ten days as is required by law, and that  
10 the same is unexcepted to, it is therefore  
11 adjudged, ordered and decreed that the said report  
12 be and the same is hereby confirmed, and it is further  
13 adjudged, ordered and decreed that J. B. Noel, who  
14 be and is hereby authorized to receive and collect from  
15 the said Henry Nicoll the said \$3000.00, the purchase  
16 price of said land, and that he will pay first the  
17 costs of this suit and the commissions of said sale out  
18 of the money so collected by him, and the residue he  
19 will pay Mary S. Larmer one sixth, John S. Larmer  
20 one sixth, and the remaining four sixths he will  
21 pay over to Mary S. Larmer, the foreign guardian  
22 of the infant defendants, to be invested by her  
23 in real estate in the state of Texas to be held and  
24 invested by her according to the laws of the state of Texas  
25 in such cases made and provided. It is further  
26 adjudged, ordered and decreed that J. B. Noel who  
27 is hereby appointed a special commissioner for the  
28 purpose, will make and execute a deed of conveyance  
29 unto the said Henry Nicoll, for the said lands, with  
30 covenants of special warranty, and he will report  
31 his action to this court.



John S. Larmur  
Decree confirming  
vs Report of Sale  
Mary S. Larmur et al  
Entered on C.B. 6 P. 502  
79.

Entered this 6  
day of March 1701  
H. A. W. Shum

Judge



John S. Larmer  
vs

Mary S. Larmer et al.

This cause came on this day to be heard upon the plaintiffs bill, and the answer of Sada Larmer, Kittie Larmer, Emma Larmer, and Ernest Larmer, infants under the age of twenty one years, by their guardian ad litem, and upon the cross bill of Mary S. Larmer one of the defendants in said bill of complaint, and guardian at law under the laws of the state Texas of said infants, who too are <sup>now</sup> residents of said State of Texas, and upon the answer of said infants by their guardian ad litem to said cross bill, and the joint and separate answer of Sada and Kittie Larmer, two of said infants over the age of fourteen years, and it having been fully shown by authentic documentary evidence that the said Mary S. Larmer foreign guardian of said infants, has where qualified, given bond with surety, sufficient to insure her ~~accountability~~ accountability for the whole amount of the said infants estate in the lands mentioned and described in the said plaintiffs original bill and the said cross-bill; and it being clearly shown, independently of any admission in the answers, that the interests of the said infants, will be promoted, and the court being of the opinion that the rights of no person will be violated by the sale of said lands, ~~it is therefore adjudged~~ and that the depositions in said cause were



1 Taken in the presence of the guardian  
2 ad litem; it is therefore adjudged, ordered  
3 and decreed that all of the lands mentioned  
4 and described in said original bill of  
5 complaint, and in said cross bill, be  
6 sold, and that J. S. Noel is hereby appointed  
7 ~~to make~~ a special commissioner of this court  
8 to make said sale; and it is further ordered  
9 ~~and~~ adjudged and decreed that said  
10 commissioner shall first execute bond with  
11 the clerk of this court in a penalty of  
12 \$5000.00, for the faithful performance of  
13 ~~said~~ <sup>his</sup> duties as said commissioner and  
14 for the ~~faithful~~ proper application and  
15 disposition of the proceeds of said sale  
16 according to the future order of this court;  
17 and after the execution of said bond,  
18 the said commissioner, shall proceed  
19 to advertise the sale of said land  
20 by pasting <sup>and taping</sup> notices of the time and  
21 place of said sale for at least thirty  
22 days at the front door of the court-  
23 house, and at two or more public  
24 places in said county, and that said  
25 Commissioner sell all off said lands subject-  
26 to the widows dower, provided the same with  
27 dower excepted be not for less than  
28 \$3000.00; and it is further ordered, adjudged  
29 and decreed that the terms of said sale  
30 shall be one ~~two~~ a credit of one, two  
31 and three years time, except enough of  
32 said sale shall be for cash in hand, as



1 may be necessary to pay costs and  
2 commission of said suit, the said  
3 commissioner taking for the purchase  
4 money on the deferred payments promissory  
5 notes or bonds with ample security,  
6 <sup>made payable to himself as commissioner</sup> and in addition thereto retaining a  
7 lien on all of said lands for a further  
8 security for the payment of said purchase  
9 money; and the said commissioner is  
10 hereby authorized to make private sale  
11 of said land, if he shall deem it  
12 more advantageous to interest of said  
13 infants, subject to the ratification  
14 of this court; and it is further adjudged  
15 ordered and decreed that the said  
16 plaintiff recover his costs in this cause  
17 expended including an attorneys fee  
18 of \$1500, which said costs are apportioned  
19 as follows, to wit: one sixth thereof to be  
20 paid by said plaintiff, and the residue  
21 thereof to be taxed against the five defen-  
22 dants, Mary S. Larmer, Sada Larmer  
23 Kittie Larmer, Emma Larmer and  
24 Ernest Larmer; and that out of the  
25 proceeds of said sale, H. C. Ballou guardian  
26 ad litem, be paid by said commission  
27 the sum of \$1000 for services rendered  
28 by him as said guardian, and that  
29 the said sum ~~of~~ be apportioned  
30 ratably among the parties of this suit,  
31 and returned from the amounts due them  
32 on final disposition of this cause,



and the said Commissioner to  
report his action to this court  
to this court at the next term thereof  
and this cause is continued.



John S. Garner  
vs Decree  
Mary S. Garner et al

Entered  
H. R. W. D. H.  
Entered on Chex Ord  
Book Page 350



J no S. Garner Plff

vs

Mary S. Garner et al Dft

} In & coming

On the calling of this cause,  
The defendant-Mary S. Garner  
asked leave to file a cross bill  
making the said plaintiff and  
the infant-defendants to plaintiffs  
bill, defendants to said cross bill.

The said cross bill to  
be for the purpose of asking  
a decree to sell the lands  
asked to be partitioned in said  
plaintiffs bill, and to have  
the proceeds from sale of said  
lands transferred to the guardian  
of said infants in the state of  
Texas, which leave was granted  
by the court and the said Mary  
S. Garner was directed to have  
said bill filed with the clerk  
by the first January rules, 1900  
to which cross bill the infant-  
defendants may answer by their  
guardian ad litem, appointed under plaintiffs bill,  
and the said infants who are  
over 14 years of age, are also  
permitted to answer in their own  
proper persons under oath, and it is  
ordered, adjudged and decreed,  
that the plaintiff may proceed to  
take depositions for the purpose  
of proof, that the interests



of said infants will be preserved  
by the sale of said lands, as  
though said cross bill had  
been filed in open court.  
and this course is continued

D. S. Garner  
vs } Decree.

Mary S. Garner et al

Entered vol  
Chy 10 B. 706  
P. 347.

Entered  
Hawthorn



December Term 1899.  
Estate of Sadie Larmer No. 603  
Legal Minors  
This day came  
On to be heard the  
Application of Mrs. Mary Larmer, for letters of  
Guardianship on the person and estate of Sadie  
Kittie, Ernest and Emma Larmer, Minors  
Under fourteen years of age, And it appearing  
to the Court, that due notice of said application  
has been given, and that said minors have  
no lawful guardian, of their person or  
Estate, and that Mrs. Mary Larmer, is qual-  
ified to receive letters of Guardianship.

It is therefore Ordered, that Mrs. Mary Larmer  
be and is hereby appointed Guardian of the  
person and estate of above named minors, and  
that letters issue to her, on her giving Bond in  
the Sum of Six Thousand Dollars, payable and  
Conditioned as required by law, and taking  
the oath within twenty days.

Order  
approving  
Bond

Estate of Sadie Larmer No. 603.  
Legal Minors  
This day came Mrs.  
Mary Larmer Guar-  
dian of the person and Estate of Sadie, Kittie  
Ernest and Emma Larmer Minors, and  
presents to the Court, her Bond as Guardian  
of above named Minors in the Sum of Six-  
Thousand Dollars, with Charles L. Lytton,  
A. B. Lytton and Sarah J. Daugherty Sureties  
thereon, and the same having been examined  
by the Court, and found in due and legal



form, and sufficient in quantity and security is approved, and ordered recorded in the Minutes of this Court. And it further appearing to the Court, that Mrs. Mary Lanner has taken the oath as required by law, it is therefore ordered that letters of Guardianship issue to her, and that she enter upon the discharge of her duties as Guardian aforesaid.

Copy  
of  
Bond

The State of Texas  
County of Hunt In County Court.  
Hunt County, Texas.

Know all Men by these Presents: That the Mrs. Mary Lanner as principal, and - - - as sureties, are held and firmly bound unto R. D. Thompson, County Judge of the County of Hunt and his Successors in office in the sum of Six Thousand Dollars, conditioned that the above bound Mrs. Mary Lanner, who has been appointed by the County Court of Hunt County, Guardian of the Estate of Sadie Lanner, Kittie Lanner, Ernest Lanner and Emma Lanner, Minors, will faithfully discharge the duties of Guardian of the Estate of the said minors according to law.

Witness our signatures, this 16<sup>th</sup> day of Dec. A.D. 1899.

Mary Lanner  
Charles L. Lytton  
A. C. Lytton  
Sarah D. Daugherty.



Approved this 19<sup>th</sup> day of Dec. A.D. 1899.

R.D. Thompson County Judge  
Hunt Co. Texas.

The State of Texas  
County of Hunt I, Mrs Mary Larmer  
do solemnly swear, that  
I will faithfully discharge the duties of Guardian  
of the Estate of Sadie Larmer, Kittie Larmer  
Ernest Larmer and Emma Larmer,  
Minors according to law.

(Signed) Mary S. Larmer  
Guardian

Subscribed and sworn to before me, this 18<sup>th</sup> day  
of Dec. A.D. 1899.

(seal)

J. M. Newton J.P. Ex. off.  
Notary Public Hunt  
Co. Texas.

The State of Texas  
County of Hunt I, W. C. Stevenson Clerk of the  
County Court in and for Hunt Co.  
Texas, do hereby Certify that the above and fore-  
going is a true and correct copy of the orders  
Granting letters of Guardianship to Mary S. Larmer,  
& the order approving her bond as Guardian  
of Sadie Larmer et al Minors, together with  
a copy of her Bond & each now on file among  
the papers in the above numbered & styled  
Cause. Witness my hand and official seal  
this 26<sup>th</sup> day of Dec. 1899.

W. C. Stevenson County  
Clerk Hunt Co. Texas

By J. M. Newton J.P. Deputy.



State of Texas, J. D. R. D. Thompson, Judge of  
County of Hunt } the County Court of the County  
and State of Texas do hereby certify that the  
above attestation of the Copy of the orders  
of this court quodionis bond and  
oath, bearing date Dec. 26, 1899, and un-  
der the signature and official seal  
of W. C. Thompson County Clerk of Hunt  
County Texas, is according to the form  
used in this state.

Given under my hand & official  
seal, this January 11, 1900.

J. D. Thompson  
County Judge, Hunt Co., Tex.

Explain of  
Sadie Larnier  
et al minors

Exhibit "A"



To Sada Larmar, Kittie Larmar, Earnest Larmar and  
Emma Larmar infants under twenty one years of age, and  
H. O. Ballou guardian ad litem, for the aforesaid infants, in  
a certain suit now pending in the circuit court of Lee County  
Virginia, in which John S. Larmar is plaintiff in original bill  
filed in said suit, and you and I are defendants, and in cross bill  
filed in said cause, I am plaintiff, and you and the said J. S.  
Larmar ~~are~~ defendants, you and each of you are hereby  
notified that on the 13 day of February <sup>1904</sup> between the hours  
of 9 A.M. and 4 P.M. at the law office of J. C. Noel in the  
town of Pennington Gap, Virginia, I will proceed to take  
the depositions of F. K. Wilson and others to be read in  
my behalf in the aforesaid suit, pending as aforesaid, both  
on the original bill and the cross bill filed in said suit, or on  
either of said bills, on the hearing thereof before the said circuit court  
of said county, and if from any cause the taking of said  
depositions be not commenced on that day, or if commenced, ~~if~~  
they be not completed on that day, the taking of said  
depositions be adjourned and continued from time to time  
at the same place and between the same hours until  
they are completed.

Respectfully;

Mary S. Larmar.

Per J. C. Noel counsel for Mary S. Larmar and

J. S. Larmar.



Mary S. Larmur et al  
also { notice to take  
Depositions

J. S. Larmur.

I hereby waive legal services  
of the within notice to take  
depositions, both as to myself and  
the infants therein named.

W. O. Ballard,

Guardian ~~ad litem~~ for ~~Henry~~

Sarah, Fittie, Ernest and Emma Larmur.

Feb. 1<sup>st</sup> 1900



Virginia Lee County Court:

To the Sheriff or any Constable of said County:

You are hereby commanded to summon  
Lafayette Loyd, F. R. Wilson, and A. K.  
McClure to appear before me <sup>or such other Justices may be there</sup> at the law  
office of J. H. Noel in the town of Pennington  
Gap in the said County of Lee, on the 13 day of  
Feb. 1900, at 9 o'clock A.M. to depose and the  
truth to speak in behalf of Mary S. Larmer  
in a certain suit ~~and now pending~~  
in the Circuit Court of said County of  
Lee, in which John S. Larmer is  
plaintiff and the said Mary S.  
Larmer and others are defendants.  
Given under my hand this the  
8 day of Feb. 1900.

W. T. Orr *W. T. Orr*



Mary L. Larmer et al  
advs Subonia for  
witnesses.

J. S. Larmer

Excluded on the  
12<sup>th</sup> day of Feb 1900  
by J. S. Larmer  
& witnesses J. A. H. & J. A. H.  
J. A. H. & J. A. H.  
J. A. H. & J. A. H.  
Cost - 60.



The depositions of J. H. Skaggs, F. K. Wilson  
taken before me W. T. Orr a Justice of the  
peace in and for the Lee County Virginia,  
pursuant to notice hereto annexed, at the  
law office of J. C. Noel in the town of Pennington  
Gap in said County of Lee, between hours  
of 9 o'clock A. M. and 4 o'clock P. M. to be  
read in evidence in behalf of Mary S. Garner  
in a certain suit depending in the Circuit-  
Court of Lee County, wherein J. S. Garner  
is plaintiff and the said Mary S. Garner,  
and Sada Garner, Kittie Garner, Ernest Garner  
and Emma Garner are defendants, the last-  
four being infants.

Present: J. C. Noel, Counsel for Mary S. V. S. Garner.  
" H. C. Ballou, Guardian ad litem for  
infants, Sada, Kittie Ernest & Emma Garner.  
J. H. Skaggs, a witness of lawful age being  
duly sworn, deposes and says as follows:

Ques (1) State your age, residence and occupation:

Ans I am 46 years old, my residence is Lee County  
and I am a farmer by occupation

Ques 2 Do you know the lands of which T. J. Garner  
died seized, and which are in controversy  
in this suit?

Ans I have seen the farm and know it by  
reputation?

Ques 3 What do you consider the farm worth  
excepting the widows right of dower?

Ans. I should think it worth about \$2500<sup>00</sup>.



Ques. 5 Are you acquainted with the plaintiff  
and the defendants in this suit? ~~and~~  
Ans I am.

Ques Where do they now reside?  
They all reside now in the state of  
Texas.

Ques Please state whether to your knowledge and  
information the infant defendants have any other property  
either real or personal, other than their interest  
in the tract of land in controversy?  
Ans They have none that I know of, and  
my information is that they have none.

Question Judging from what you know of the  
land, and the infant defendants, and  
the general circumstances, would the interest  
of the infant heirs and defendants be promoted  
or retarded by the sale of said farm and  
their shares interest by order of court until  
they arrive at their majority?

I would think their interest would be  
promoted by such a sale. The lands  
if cut up into shares, each infant would  
have ~~sell its~~ its share at a sacrifice when it  
arrived at majority, and if they <sup>should</sup> wish to make  
Texas their future home, it would almost  
consume a share of said land to come  
to Virginia, to sell the same, while one  
share in said land would not be profitable  
as a home, if the owner thereof should desire it  
for such.



Ques.

Would the interest of any one be prejudiced by such a sale, so far as you know?  
So far as I know it would not.

Ans.

Have you any material interest in the outcome of this suit in any way?

Attendance  
one day.  
50¢  
paid to  
J. C. Noel.

None whatever.

And further this deponent says to not.

J. F. Skaggs

No other witnesses appearing, the further taking of these depositions is adjourned till Friday Feb. 16<sup>th</sup> 1900, at the same place, and between the same hours. This Feb 13, 1900

W. T. OTC D. P.

Office of J. C. Noel in the town of Pennington Va  
February 16 1900, the further taking of these depositions is resumed pursuant to adjournment.

W. T. OTC D. P.

Present, J. C. Noel Counsel for plaintiff.

H. O. Ballou Guardian ad litem for infant defendants.

H. K. Wilson, a witness of lawful age being duly sworn, deposes as follows:

Question

State your age residence and occupation?

Ans.

I am 34 years old, my residence is Mill- Lee County and am a farmer by occupation.

Question

Are you acquainted with the parties to this suit, that is John B. Mary S. Sadie, Kitter Emma and Ernest - Farmer?

Ans.

I am acquainted with them all.

Question

Where do the said parties now reside?



Ans They now reside in Greenville Texas.

Ques Have the infants defendants, Sada, Kattie, Emma and Ernest - Harmer, any property either real or personal, other than their interest in the lands in controversy in this suit?

Ans They have no other property that I know of.

Question Do you know the farm of which T. J. Harmer died seized, that is the land in controversy in this suit?

Ans I do.

Question What do you consider a fair cash value of said farm, subject to the widows dower?

Ans I think \$3000<sup>00</sup>. would be a fair value for said lands.

Question Under the circumstances, would you consider that the interests of the infants <sup>defendants</sup> would be promoted if ~~said~~ by the sale of said farm, if it could be sold for at least \$3000<sup>00</sup>.? if so state any reason or circumstance by which you arrive at your conclusion?

I believe that the interests of the infants would be promoted by such a sale, because the lands from their situation would bring more if sold as a whole, than they would bring to cut it up into six shares, and sold separately, besides the children reside now in Texas and to cut the lands up into shares, and each infant have to look



one day  
50¢

the sale or rents of its share after it comes to its majority, the costs would about consume the proceeds, and one of the shares <sup>alone</sup> would not be a desirable home for any of said infants, while the interest on the money received from the sale of said lands would be more than the rents and profits could be on the farm in its present condition.

Question

Would the rights of any other person or persons be violated by the sale of said lands?

Ans

I know of none whose interests would be violated.

Question

Have you any personal interest in the result of this suit?

Ans

I have none whatever.

And further this defendant - says etc. not:

Frank H. Wilson

A. H. McClure another witness of lawful age, being duly sworn deposes of follows:

Question

one day  
50¢

Please state whether or not you consider that the interests of the infant-defendants would be promoted by a sale of the lands in controversy? if so why?

I do. I am acquainted with the parties to this suit and the lands in controversy, and concur fully in the deposition of F. H. Wilson, which I have heard read, and ask that his deposition be read as mine.

And further this deponent - says etc. not:

A. H. McClure



1 Lafayette Loyd, another witness of lawful  
2 age being duly sworn, deposes as follows:

3 Question Are you acquainted with, Mary S. Garner  
4 Charles L. Lytton, N. C. Lytton and Sarah  
5 J. Daugherty, of Greenville Hunt-County Texas?

6 Ans. I am well acquainted with them all.

7 Question Do you consider them, from what you know of  
8 their financial condition, reasonably worth the  
9 sum of six thousand dollars; ~~and then~~

10 I do. I would be willing to risk them  
11 on a bond of that sum.

12 Question I hand you a paper marked exhibit "A",  
13 purporting to be a copy of the record of  
14 of County Court of Hunt-County Texas  
15 as to the appointment, qualification and  
16 bonding of Mary S. Garner as guardian of  
17 of said, Kittie Emma and Ernest Garner,  
18 infant-defendants to this suit, which I ask  
19 you to file as a part of said deposition?  
20 Ans. I file the paper as requested?

21 Question Do you consider the bond if in legal form  
22 of which bond the paper you have just filed,  
23 contains a copy, sufficient security for the  
24 money that may be due the said infants,  
25 arising from the sale of the lands in  
26 controversy in this suit?

27 I consider the said bond a proper  
28 security for the money, and the faithful  
29 discharge of said duties.

30 Question Do you know the parties to this suit  
31 and the lands in controversy?

32 I do.



Attendance  
one day  
50 cts

If the said lands, excepting the widows  
dower, could be sold for three thousand  
dollars or more, would the interests of  
the infant-defendants be promoted by  
such a sale?

I believe their interests would be  
promoted by such a sale.

Have you any personal interest in  
the sale of said lands, or the result of this  
suit?

I have not.

And further this deponent says to wit:

I of aeth Layd  
Virginia Lee County Court.  
J. W. T. Orr, a Justice of the Peace for the county  
of Lee in the said state do hereby certify  
that the foregoing depositions of J. H. Skusey  
F. R. Wilson, and A. R. McClure and Lafayette  
Goyd, were duly taken, sworn to, and subscribed  
before me, at the times and place, and for the  
purpose therein mentioned.

Given under my hand this the 16 day  
of Feb. 1900.

W. T. ORR J. P.



John S. Larmer  
vs Depositions

Mary S. Larmer et al

Filed February 17<sup>th</sup> 1900

A. B. Munsey Clerk

Costs: J. P. 3 hrs	2 25-
J. F. Skaggs witness	.60
F. W. Wilkins "	.60
L. Lloyd "	.60
A. E. McClure "	.50
<hr/>	
Constable J. Howard	4.25-
summons & writ	.60
<hr/>	
	\$ 4.85-

J. P.



John S. Garner

vs { In Chancery  
Mary S. Garner et al.

To the Hon N. A. Skeen Judge of  
the Circuit Court for Lee County:

Your undersigned Special  
Commissioner, appointed at the  
term of your honors Court,  
by a decree entered at said term  
in the Chancery cause of John  
S. Garner against Mary S. Garner  
and others, for the purpose of selling  
all the lands of which T. J. Garner  
died seized, except the dower of his  
widow Mary S. Garner; begs leave  
to report that he advertised the  
<sup>sale of</sup> said lands by posting notices  
thereof, at the front door of the  
Court house of Lee County, and  
at Pennington Gap and Dryden  
in said County for more than  
30 days previous to date set for sale,  
setting forth in said notices the  
time, place, and terms of said sale,  
and, at the time and place of  
said sale, which was at the front  
door of the Court-house of said  
County, on the first day of the Oct:



term of the County Court, of said County during the noon recess of said Court, he offered the said lands for sale upon the terms of said decree and the terms set forth in said notices, that is to say on a credit of one, two and three years time with enough to be paid down to pay costs and commissions of said sale and sale; the deferred payments to be secured by notes with good security and a lien retained upon the land; and your said Commissioner continued to cry said land for a considerable time, but received no offers therefor as the ~~decree~~ restricted him to entertain no bids for a sum less than \$3000<sup>00</sup>.

He then withdrew the offer of said sale of the said lands for that time and readvertized the sale thereof for the first day of next or November term of the said County Court, according to the terms of said decree; and at the day, time and place appointed he again offered said lands for sale, but received no bids thereon, whereupon the public sale of said lands was



again withdrawn, and it publicly  
announced by your said Commissioner  
that he would entertain private  
bids on said land, as the terms  
of said decree ~~off~~ permitted said  
Commissioner to sell said lands  
privately. And on the 19 day  
of Feb. 1901, one Henry Nicoll  
offered to pay your said Commis-  
sioner \$3000<sup>00</sup> in cash for said  
lands, which offer was accepted  
by your Commissioner, subject  
to the approval of your honor.

This sale your Commissioner thinks  
is the best that can be made  
of said lands, and recommends,  
that the same be affirmed as a  
sale of said lands, and that a  
Commissioner be appointed to  
accept the said money and convey  
the said lands to the said Henry  
Nicoll. All of which is respectfully  
submitted, This 20 day of Feb.  
1901.

J. C. Noel Special Com.



John S. Garner  
vs Com Report-  
of Sale.

Mary E. Garner et al  
Filed February 20th 1901  
A. B. Munsey Clerk



J. S. Garmur

Mary E. Garmur et al }

To the Hon. H. A. W. Shum Judge of the  
Circuit Court for Lee County:

Of our undersigned special Commissioner  
who was appointed <sup>in the above named cause</sup> by a decretal order of your  
honor's court on the 6<sup>th</sup> day of March 1901, to receive  
and collect from Henry ~~Meall~~ Nicoll the purchase  
of the land sold in ~~this~~ <sup>said</sup> cause, by J. C. Noel, ~~of~~ <sup>Special</sup> Commissioner of this court; to the said Henry Meall  
for the sum of \$3000.00, and to execute to the  
said Henry Nicoll a deed for said land,  
and to pay out said sum of the \$3000.00, as follows:  
to wit: first - the costs and commissions of said  
suit and sale, the residue one sixth to J. S. Garmur,  
one sixth to Mary E. Garmur, and four sixths  
~~of the residue~~ to Mary E. Garmur guardian  
of the four infant defendants, to be invested by  
her according to the laws of the state of Texas in  
such cases made and provided; begs leave  
to report, that pursuant to said decree, he collected  
from said Henry Nicoll the said sum of \$3000.00,  
and made, executed and delivered to said Nicoll a deed  
for said lands, with covenants of special warranty.  
This was done on the 23<sup>rd</sup> day of March 1901.  
That he has paid out and disbursed according  
to said decretal order the said \$3000.00 as follows:  
(1) To the officers of the court, Attorney Guardian ad litem  
J. P. and witnesses, and taken their receipts therefor \$41.21.  
To J. C. Noel Comr. \$ 69.00  
(2) To J. S. Garmur, and taken his receipt therefor 481.63  
(3) To Mary E. Garmur, and taken her receipt therefor 481.63  
(4) To Sada Garmur who was an infant at the



1 time said sale was made, but- who has since  
2 arrived at- the age of ~~21~~ twenty one years, \$487.63  
3 and <sup>has</sup> taken her receipt- therefore.

4 (5) To Mary S. Farmer guardian for  
5 Kittie, Ernest- and Emma Farmer \$1444.00.

6 Making a total of the said \$3000.00.

7 All which is respectfully submitted.  
8 This 3<sup>rd</sup> day of June 1901.

9 J. C. Noel Special Comr.

18 J. S. Garner  
19 { Comr's Report.  
20 20 of Distribution

21 Mary S. Farmer

22 Filed in open Court  
23 and by leave thereof  
24 June 4<sup>th</sup> 1901

25 A. B. Munsey Clerk



John S. Garner }  
vs } Dr. Chancery  
Mary S. Garner et al.

To the Honorable H. A. W. Skene Judge  
of the Circuit Court of Lee County:

Your undersigned, Commissioner  
appointed by a decretal order of your  
honors Court, on the day of March  
1901, to make Henry Nicoll a deed  
for his purchase of land in the  
above styled Cause, begs leave to  
report that he on the 12 day of March  
1901, that he made said deed  
to the said Henry Nicoll for  $\frac{4}{6}$  interest  
in the lands of which T. J. Garner died  
seized, subject to the dower of Mary  
S. Garner widow of said T. J. Garner  
deceased, the said  $\frac{4}{6}$  interest being  
the interests of the four infant  
defendants, Sadie, Kitter, Emma and  
Ernest Garner.

All of which is respectfully  
submitted this March 12 1901,  
J. C. Noel Com.



John S. Garner  
20 { Report of Com.  
for Dec. 1.

Mary S. Garner & al



The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU THAT YOU SUMMON *Mary Larmer widow of Thos. J. Larmer deceased and assignee of Eda Barbree nee Larmer and Sada Larmer, Kitty Larmer, Ernest Larmer, and Emma Larmer Children and heirs at law of Thos. J. Larmer deceased*

to appear at the Clerk's office of the Circuit Court of the County of Lee at the court-house thereof, at the Rules to be holden for said Court, on the *3rd* Monday in *September*, 189*9*, to answer a bill in chancery, exhibited against *them* in our Court by

*John S. Larmer*

..... And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *26<sup>th</sup>* day of *August*, 189*9*, and in the 12 *4<sup>th</sup>* year of the Commonwealth.

*A. B. Munsey* Clerk.

A copy—Teste: \_\_\_\_\_ Clerk.



I do solemnly swear  
that I executed the  
within summons, on the  
30<sup>th</sup> day of August  
1899, by delivering a  
true copy thereof to each  
of the parties named  
therein, to wit: Mary S.  
Garner widow of T. J.  
Garner, <sup>(deceased)</sup> Sada Garner,  
Kitty Garner, Earnest-  
Garner and Emma  
Garner, children, and heirs  
at law of T. J. Garner  
(deceased) This Aug 5 1899,

J. C. Noel

Sworn and subscribed  
~~to~~ before me by J. C.  
Noel, This 5<sup>th</sup> day of Aug  
1899.

N. A. Baker J. P.

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John S. Larmer

VS. { SUBPOENA  
IN CHANCERY.

Mary Larmer et al

J. C. Noel p. q.

To 2<sup>nd</sup> Sept. Rules.

CIRCUIT COURT.

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